

**REMARKS**

Claim 1 and 4-6 are pending herein. By the Office Action, claim 1 is rejected for obviousness-type double patenting and under 35 U.S.C. §103(a). By this Amendment, claim 1 is amended and claims 4-6 are added. Support for the new claims can be found in the application as filed. No new matter is added.

I. New Claims

New added claims 4-6 correspond to pending claims 2-4 of parent application no. 09/904,875 filed July 16, 2001. The claims are added into the present application to overcome the obviousness-type double patenting rejection, discussed below. The parent application will be abandoned in due course, following entry of this Amendment.

All of the now pending claims were present and underwent substantive examination in the parent application, with minor amendments. In particular, all of the claims were examined and considered in the December 18, 2003, Office Action in the parent application. In response to that Office Action, which indicated that several pending claims were allowed, Applicants canceled the rejected claims and filed those rejected claims in the present divisional application. The allowed claims of the parent application were subsequently again rejected. Because all of the claims remain rejected, two separate applications are no longer required, and thus all of the claims are being re-combined into the present application.

Accordingly, entry and consideration of all of the pending claims is respectfully requested.

II. Double Patenting

Claim 1 is rejected for obviousness-type double patenting over claim 2 of the parent application. By this Amendment, claims 2-4 of the parent application are added as new claims 4-6. The parent application will be abandoned in due course after entry of this Amendment, and thus the rejection will be rendered moot.

### III. Rejection Under 35 U.S.C. §103

The Office Action rejects claim 1 under 35 U.S.C. §103(a) over Seto in view of Hirota. In the parent application, newly added claims 4-6 herein were rejected under 35 U.S.C. §103(a) over Dou in view of Hirota. The Office Actions argue that Seto (or Dou) discloses all of the elements of the claimed invention, except the limitations that the NO<sub>x</sub> absorber also has a function of a particulate filter, or that the particulate filter and the NO<sub>x</sub> absorber can be combined into one single housing, but that such teachings are provided by Hirota. Applicants respectfully traverse this rejection with respect to pending claims 1 and 4-6.

The Office Action asserts that Seto (or Dou) discloses all of the features of the claimed invention except for the limitation that the NO<sub>x</sub> absorbent can also function as a particulate filter. The Office Action argues, however, that a combined NO<sub>x</sub> absorbent and particulate filter is conventional, as shown in Hirota. Applicants respectfully disagree. Because Seto (applied in the present Office Action) and Dou (applied in the parent application) are somewhat similar in their disclosures, and because only Seto is applied herein, Applicants traverse the rejection with respect to the disclosure of Seto and the limitations of claim 1, although the following arguments are believed to equally apply to Dou and the newly added claims.

#### A. The Claimed Invention

According to the claimed invention, a catalyst apparatus for purifying NO<sub>x</sub> is located in the exhaust system upstream of the particulate filter. See claim 1. The catalyst apparatus can thus carry a large amount of catalyst absorbing NO<sub>x</sub> to sufficiently absorb NO<sub>x</sub> in the exhaust gas. When the air-fuel ratio in the catalyst apparatus is made rich, the absorbed NO<sub>x</sub> is released and can be purified by reduction. As a result, according to the claimed invention, the devices can sufficiently purify NO<sub>x</sub> in the exhaust gas. Such devices are not disclosed in and would not have been obvious over a combination of Seto and Hirota.

A device for purifying the exhaust gas of an internal combustion engine according to the claimed invention, comprises a particulate filter arranged in the exhaust system, which is a wall-flow type and has a partition wall having pores, a catalytic apparatus for purifying  $\text{NO}_x$  when the air-fuel ratio in the surrounding atmosphere thereof is lean and releasing the absorbed  $\text{NO}_x$  when said air-fuel ratio is stoichiometric or rich, and control means for making the air-fuel ratio in said catalytic apparatus rich to release  $\text{NO}_x$  from said catalyst of said catalytic apparatus to purify the released  $\text{NO}_x$  by reduction, and making the air-fuel ratio in the particulate filter rich to release  $\text{NO}_x$  from the catalyst of the particulate filter to purify the released  $\text{NO}_x$  by reduction so that the catalyst of the particulate filter also releases active-oxygen to oxidize and remove the particulates trapped on the particulate filter without producing luminous flame.

The particulate wall of the particulate filter carries a catalyst for absorbing and reducing  $\text{NO}_x$  (claim 1). This material is located on the exhaust gas upstream side surface thereof, and thus an active-oxygen is released from the partition wall. Therefore, the particulates trapped on the partition wall can automatically be oxidized and removed by an active-oxygen released therefrom.

The partition wall has pores, and thus the particulate filter cannot carry a large amount of the catalyst for absorbing and reducing  $\text{NO}_x$ . Accordingly, even when the particulate filter carries its catalyst for absorbing and reducing  $\text{NO}_x$ , only a part of the  $\text{NO}_x$  in the exhaust gas can be purified. To sufficiently purify  $\text{NO}_x$  in the exhaust gas, a catalyst apparatus for purifying  $\text{NO}_x$  in which a partition wall has no pores and can carry a large amount of the catalyst for absorbing and reducing  $\text{NO}_x$  is required in the exhaust system.

According to the claimed invention, such a catalyst apparatus is arranged upstream of the particulate filter. Therefore,  $\text{NO}_x$  in the exhaust gas can be sufficiently purified. Additionally, when control means makes the air-fuel ratio in the catalytic apparatus rich to release  $\text{NO}_x$  from the catalyst of the catalytic apparatus to purify the released  $\text{NO}_x$  by

reduction, the catalyst of the catalytic apparatus also releases an active-oxygen similarly with the catalyst carried on the particulate filter, and thus the active oxygen enters into the particulate filter arranged downstream of the catalytic apparatus, and oxidizes the particulates trapped thereon without producing luminous flame. Therefore, the particulates trapped on the particulate filter can be easily oxidized and removed by the active-oxygen released from the particulate filter and by an active-oxygen released from the catalytic apparatus when the air-fuel ratio is made rich.

Such devices for purifying the exhaust gas of an internal combustion engine, as claimed, are nowhere taught or suggested by the cited references.

B. The References Do Not Disclose the Claimed Invention

Claim 1 specifically requires that the particulate filter be a wall-flow particulate filter comprising a partition wall having pores, and that the partition wall carries a catalyst on the exhaust gas upstream side surface thereof. Neither Seto nor Hirota teach or suggest the claimed particulate filter, where the catalytic apparatus is located upstream of the particulate filter, or the advantages that it provides.

1. Seto Does Not Teach or Suggest the Claimed Invention

Seto is asserted to disclose a catalytic apparatus (17). See Seto at Figs. 1 and 9 and the Abstract. According to Seto, the apparatus includes two NO<sub>x</sub> absorbents, denoted 17 and 20, where the NO<sub>x</sub> absorbent 17 is located upstream of the NO<sub>x</sub> absorbent 20. The downstream NO<sub>x</sub> absorbent 20 is provided to absorb NO<sub>x</sub> released by the NO<sub>x</sub> absorbent 17. Seto at Abstract. However, that broad generic disclosure in Seto does not disclose, and does not teach or suggest, that the catalytic apparatus is or should be a wall-flow particulate filter comprising a partition wall having pores, where the partition wall carries a catalyst on the exhaust gas upstream side surface thereof. The cited disclosures of Seto do not teach or suggest that such a wall-flow particulate filter could or should be used in preference to any

other type of catalytic apparatus, or that such a wall-flow particulate filter would provide any advantages.

Additionally, Seto does not disclose particulars of the catalytic apparatus, and thus does not teach or suggest the specific location of the material on the exhaust gas upstream side surface of the particulate filter, as claimed.

2. Hirota Does Not Overcome Seto's Deficiencies

- Hirota does not overcome the deficiencies of Seto. In particular, Hirota also fails to teach or suggest the specific location of the material on the exhaust gas upstream side surface of the particulate filter, as claimed.

Hirota is cited for the asserted disclosure that it is conventional in the art to use a catalyzed particulate filter that carries an NO<sub>x</sub> absorber. The Office Action asserts that it would have been obvious to replace the NO<sub>x</sub> absorbent of Seto with the particulate filter of Hirota to reduce harmful soot emission and save fuel. However, regardless of the disclosures of Hirota, any combination of Seto and Hirota would not have resulted in the claimed invention.

Neither Seto nor Hirota provide any motivation to select one of the NO<sub>x</sub> absorbent of Seto over the other for the asserted modification. Thus, neither Seto nor Hirota teaches or suggests that the downstream NO<sub>x</sub> absorbent of Seto could or even should be replaced with the particulate filter of Hirota. Any such combination and modification is merely the improper use of hindsight based on the present disclosure, not motivation provided by the cited references.

3. Combining Seto and Hirota Would Not Yield the Claimed Invention

Even if one of ordinary skill in the art was motivated to substitute the particulate filter of Hirota for the NO<sub>x</sub> absorbent of Seto -- an assumption Applicants deny -- the most logical modification of Seto would be to replace the first or upstream NO<sub>x</sub> absorbent 17 of Seto, rather than the second or downstream NO<sub>x</sub> absorbent 20 of Seto. If this modification was

made, then the result would be the particulate filter located upstream of the catalytic apparatus, which is contrary to the claimed invention.

The reason for this modification is as follows:

As described at pages 29-31 of the present specification, a catalyst for absorbing  $\text{NO}_x$  carried in the catalytic apparatus does not absorb only  $\text{NO}_x$  but also  $\text{SO}_x$  in the exhaust gas. The absorbed  $\text{SO}_x$  decreases an amount of  $\text{NO}_x$  that can be absorbed in the catalytic apparatus. This phenomenon is known as " $\text{SO}_x$  pollution." Accordingly, the catalytic apparatus carrying the catalyst for absorbing  $\text{NO}_x$  does not require only a regeneration process to release absorbed  $\text{NO}_x$ , but also a recovery process to release absorbed  $\text{SO}_x$ . In the recovery process, the temperature of the catalytic apparatus must be elevated to about 600-700°C and thus the catalytic apparatus must withstand temperatures of 600-700°C.

With regard to the references, Seto discloses that a first catalytic apparatus that carries the catalyst for absorbing  $\text{NO}_x$  is arranged upstream of a second catalytic apparatus that carries a catalyst for absorbing  $\text{NO}_x$ . In regeneration of a usual particulate filter that does not carry the catalyst for absorbing  $\text{NO}_x$ , a large amount of trapped particulate burns and produces a luminous flame, which raises the temperature in the regeneration above 700°C. Thus, when the usual particulate filter is replaced with one of the first and second catalytic apparatuses of Seto, the particulate filter should be replaced with a catalytic apparatus that prevents damage caused by heat of the regeneration of the particulate filter.

However, in the particulate filter that carried the catalyst for absorbing  $\text{NO}_x$  according to the claimed invention, the trapped particulate is oxidized and removed without producing a luminous flame by active-oxygen released by the catalyst for absorbing  $\text{NO}_x$  and thus the temperature of the particulate filter does not elevate above 700°C in regeneration. If in the particulate filter of Hirota, the temperature in regeneration does not elevate above 700°C as in the particulate filter of the claimed invention, then the particulate filter of Hirota can be replaced in the first catalytic apparatus of Seto without causing damage to Seto's apparatus.

However, the particulate filter of Hirota cannot similarly be replaced in the second catalytic apparatus of Seto, as such substitution would damage Seto's apparatus.

In contrast, in the claimed invention, the catalytic apparatus that carries the catalyst for absorbing  $\text{NO}_x$  is arranged upstream of the particulate filter that carries the catalyst for absorbing  $\text{NO}_x$ . Thus, the active-oxygen released from the catalyst for absorbing  $\text{NO}_x$  of the catalytic apparatus flows into the particulate filter to oxidize the trapped particulate. Further,  $\text{SO}_x$  in the exhaust gas is absorbed in the catalytic apparatus and thus  $\text{SO}_x$  is hardly absorbed in the particulate filter to reduce an amount of active-oxygen released from the catalyst for absorbing  $\text{NO}_x$  in the particulate filter. Thus,  $\text{NO}_x$  in the exhaust gas can be sufficiently purified by the catalytic apparatus and the particulate filter and the trapped particulates can be oxidized and removed in the particulate filter.

Seto and Hirota, alone or in combination, do not teach or suggest these effects. Neither reference teaches or suggests the claimed arrangement of catalytic apparatus and particulate filter to provide these results.

Accordingly, any combination of Seto and Hirota would not provide the claimed invention. The combination would not provide an apparatus where the catalytic apparatus is located upstream of the particulate filter, such that  $\text{NO}_x$  is sufficiently purified and particulates are easily oxidized and removed, as described above. Neither Seto nor Hirota, alone or in combination, teach or suggest an apparatus that provides these benefits of the claimed invention.

C. The References Do Not Teach or Suggest the Claimed Control Means

According to claim 1, the claimed device specifically includes a control means for making the air-fuel ratio in said catalytic apparatus rich to release  $\text{NO}_x$  from said catalyst of said catalytic apparatus to purify the released  $\text{NO}_x$  by reduction, and making the air-fuel ratio in the particulate filter rich to release  $\text{NO}_x$  from said catalyst of said particulate filter to purify the released  $\text{NO}_x$  by reduction so that said catalyst of said particulate filter also releases

active-oxygen to oxidize and remove the particulates trapped on said particulate filter without producing luminous flame. Such a control means is nowhere taught or suggested by the cited references.

According to the device for purifying the exhaust gas of an internal combustion engine described in claim 1, NO<sub>x</sub> in the exhaust gas can be sufficiently purified by the particulate filter and the catalytic apparatus that carries the catalyst absorbing NO<sub>x</sub>. Additionally, when the control means makes the air-fuel ratio in the catalytic apparatus rich to release NO<sub>x</sub> from the catalyst of the catalytic apparatus to purify the released NO<sub>x</sub> by reduction, the catalyst of the catalytic apparatus also releases active oxygen. As a result, the active oxygen enters into the particulate filter arranged downstream of the catalytic apparatus, and oxidizes the particulates trapped therein without producing luminous flame. Moreover, when the claimed control means makes the air-fuel ratio in the particulate filter rich to release NO<sub>x</sub> from the catalyst of the particulate filter to purify the released NO<sub>x</sub> by reduction, the catalyst of the particulate filter also releases active oxygen. As a result, the active oxygen oxidizes and removes the particulates trapped on the particulate filter without producing luminous flame.

The oxidation and removal of particulates trapped on the particulate filter is carried out at a relatively low temperature and is different from burning of the particulate with the production of luminous flame after the temperature of the trapped particulates is elevated to their ignition temperature. Thus, in the oxidation of the particulates in the claimed device, after the air-fuel ratio in the particulate filter is made rich to release NO<sub>x</sub> and the released NO<sub>x</sub> is purified, it is not required for the temperature of the trapped particulates to be elevated to their ignition temperature.

In contrast to the claimed invention, Hirota teaches that when the air-fuel ratio is made rich to release NO<sub>x</sub> from the catalyst of the particulate filter and to purify the released NO<sub>x</sub> by reduction, the heating in the NO<sub>x</sub> releasing and reduction elevates the temperature of



the trapped particulates so that the energy to ignite and burn the trapped particulates can be reduced. In particular, Hirota teaches that the trapped particulates must be burned with producing luminous flame, in order to be removed from the particulate filter. Thus, as described in Hirota at paragraph [0021], after the trapped particulates are heated by heat generated in the NOx releasing and reduction, the temperature of the trapped particulates is further elevated to their ignition temperature by a fuel supply or an electric heater.

Hirota does not teach or suggest that when the air-fuel ratio in the particulate filter is made rich, the catalyst absorbing NOx carried on the particulate filter releases an active oxygen. Thereafter, if the air-fuel ratio in the particulate filter is made rich to release NOx and purify the released NOx, the trapped particulates are oxidized and removed for a few minutes by the released active oxygen. Nevertheless, in the device of Hirota, after the air-fuel ratio is made rich, the temperature of the trapped particulates is further elevated to their ignition temperature by a fuel supply and an electric heater.

In contrast, the claimed invention does not use a fuel supply and an electric heater to further elevate the temperature of the trapped particulates to their ignition temperature. Instead, the trapped particulates in the claimed device are oxidized and removed without producing luminous flame.

Accordingly, it would not have been obvious to replace the downstream side catalytic apparatus of Seto with the particulate filter of Hirota, and to further modify the resultant combination to practice the claimed invention. Such a combination would still not include the control means of the claimed invention.

#### D. Conclusion

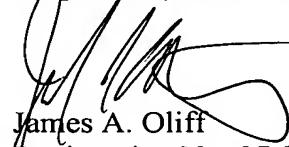
Accordingly, one of ordinary skill in the art would not have been motivated, based on the cited references, to practice the claimed invention. The claimed invention of claim 1 thus would not have been obvious over the cited references. Reconsideration and withdrawal of the rejection is respectfully requested.

IV. Conclusion

For at least the reasons set forth above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,

  
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